Claim 1

The Applicant submits that Malik fails to anticipate each and every element of Claim 1.

Paragraph 0086, cited by the Examiner, fails to disclose the act of "determining capability

information of a device." Malik is directed to listing the "contextual information," or superficial

characteristics of a device, whereas the present invention discloses the capabilities of a device,

such as its ability to process certain types of data. Specifically, in paragraphs 0082-0085, Malik

gives examples of the "data" or "contextual information" as information on whether the call is

from a wireless device, the brand of the device, the time sensitivity of the call, and the operating

protocol. In contrast, the present invention lists technical capabilities, such as the type of video

or audio codecs accepted by the device. The "capability information" of the present invention is

listed so a determination can be made as to the compatibility of a message to be left with a

subscriber. Malik, however, only lists basic information about the device with the idea of

advertising the brand or service type of the device (i.e. Motorola, Cingular) to the subscriber

receiving the information (see Malik, paragraph 0024, 0071, 0087). Malik therefore does not

disclose the method of determining the capability information of a device, as in the present

invention.

Furthermore, Malik fails to disclose the method of "determining a subscriber of the store

and forward messaging system for whom the guest wishes to deposit a message." The cited

paragraph 0087 of Malik does not disclose anything related to how the "CIR manager" of Malik

determines which person to send the message to. Paragraph 0087 of Malik is instead directed to

providing a user with the contextual information discussed above, and specifically to

transmitting the type of phone or service provider a caller has. Malik therefore does not disclose the method of determining a subscriber of the store and forward messaging system for whom the guest wishes to deposit a message.

Finally, paragraph 0088 of Malik also fails to disclose the method of "comparing the capability information" of both devices, as this section only discloses the idea of looking for discrepancies in the "data" or "contextual information" of a single user's profile. Additionally, Malik fails to disclose the concept of comparing the capability information "prior to" the guest transmitting the message to the store and forward messaging system. The Applicant could not find any reference in Malik discussing the timing of comparing data before transmitting the message to the store and forward messaging system.

For at least the reasons mentioned above, the Applicant believes that Claim 1 is in allowable condition, as Malik fails to anticipate each and every element of Claim 1, as required for a 102(e) rejection.

Claim 8

The Applicant further believes that Malik fails to anticipate the elements of Claim 8. The Examiner cites to paragraph 0072 of Malik as disclosing the method step of "receiving a session connection request from a subscriber," but this paragraph only discusses providing additional data for a user's profile, and mentions nothing regarding receiving a request from a user.

The Examiner also states that paragraph 0073 of Malik discloses the method step of "determining capability information of a device used by the subscriber." However, paragraph

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0073 discloses how a user supplies a system with data on a particular device so that the device operates properly with the system (in Malik, the reference is to a pager and the CIR manager). Malik is directed toward transmitting data to make sure the device operates properly with the system, not for determining the capability of the device. Malik does not actually disclose a system that makes any type of determination, as it only discloses how a user sends information to begin operating a device with the system. Additionally, as mentioned above, this data is not equivalent to the "capabilities" of the present invention. The present invention is not directed toward operating a device with the system, as this is presumed to already have been set up. Instead, the present invention is directed to determining the capabilities, or functional features of the device, for comparison with the capabilities of another device. The system is then able to determine the compatibility of a message between the devices. Malik does not, therefore, disclose the step of determining the capability information of a device.

Finally, the Examiner states that paragraph 0071 of Malik discloses comparing the determined capability information of the devices used by a subscriber to the device capability information already stored in the system. However, paragraph 0071 does not mention the idea of comparing features, let alone the capability information of one device to another. Additionally, as mentioned above, Malik is directed specifically to superficial characteristics of a device, such as the brand or wireless carrier, whereas the present invention is directed to the functional capabilities of the device, such as its ability to process specific audio and video codecs.

Therefore, the Applicant believes that Claim 8 is also allowable, as Malik fails to disclose each and every element of the method of Claim 8.

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Claim 11

The Applicant also believes that Malik fails to disclose each and every element of Claim 11. Specifically, Malik makes no reference to a receiving unit coupled with a server, and further does not disclose that the server contains an application, as is claimed in Claim 11. In fact, paragraph 0086 only discloses the use of a single "CIR manager," but does not label it as a server, and does not discuss any type of receiving unit or application associated with it.

Further, Malik fails to disclose a data storage unit being coupled to a server, as is claimed in the present invention. Claim 11 further states that the data storage unit stores the capability information of a device, determines which subscriber a guest wishes to send a message to, and compares the capability information in the data storage unit with that on the device before transmitting a message. There is no reference in Malik to the idea of a server determining which subscriber a guest wishes to send a message to, as the CIR manager in paragraph 0087 only processes profile information of a device on a call that has already been routed. Malik also fails to disclose, in paragraph 0087 or otherwise, the use of a data storage unit or the idea of comparing the capability information in the data storage unit with that on the device. Instead, paragraph 0087 of Malik is directed to analyzing the superficial characteristics of a device so that a user could receive a message indicating that the person on the other end of a phone call uses the same phone service as they do. This is markedly different than the present invention, which attempts to determine if messages being sent are compatible with the capabilities of a user's device.

Claim 20

With regard to Claim 20, the Applicant refers the Examiner to the arguments presented

above with regard to Malik not disclosing the use of a receiving unit that receives a session

connection request from a subscriber, not disclosing a receiving unit coupled to a server, and not

disclosing a data storage unit that stores and determines capability information of a device used

by the subscriber in comparison to the capability information of a previous device.

Dependent Claims

As noted above, Malik fails to disclose each and every element of Claims 1, 8, 11, and

20. As rejected Claims 2-7, 9-10, and 12-19, and 21-22 depend from these claims, the Applicant

submits that these claims are also in condition for allowance as well.

However, with specific regard to the rejections of Claims 5, 7, 10, 15, 17, and 22, the

Exminer cites to paragraph 0087 to assert that Malik discloses a particular method step wherein

the capability information comprises at least one of the following: a video codec, a rate of video

codec, an audio codec, a rate of audio codec, a screen size of the device used by the guest or

subscriber, and colors supported by the device used by the guest or subscriber. However, the

Applicant was unable to find any reference to capability information of this type in paragraph

0087 or any other section of Malik. In fact, paragraph 0087 of Malik is very specific as to the

type of information being transmitted, as it discusses the type of device or service that a user has.

In paragraph 0087, Malik provides an example of this information in quotations stating: "'The

caller is Dale Malik. Same as you, he uses an Acme brand wireless unit and his service provider is Beverly Communication Services.'" The information of Malik never rises to the detail or type disclosed in the present invention, such as the type of video or audio codec. Therefore, the Applicant further believes that Malik fails to disclose each and every element of Claims 5, 7, 10, 15, 17, and 22.

Conclusion

In view of the above, Malik fails to disclose each and every element of the claims of the present invention. Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
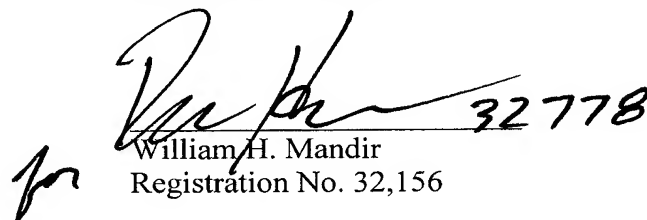
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